

34258

SERVICE DATE - DECEMBER 23, 2003

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-601 (Sub-No. 1X)

**Pine Belt Southern Railroad Company, Inc. - Abandonment Exemption - In Lee and
Chambers Counties, AL**

BACKGROUND

In this proceeding, the Pine Belt Southern Railroad Company, Inc. (PBRR or railroad) filed a notice under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad in Lee and Chambers counties, Alabama (AL). The rail line proposed for abandonment extends from Milepost T-322.40 at Roanoke Junction, just north of Opelika, and Milepost T-339.66 at Lafayette (subject rail line). The total distance is approximately 17.4 miles. Upon receipt of abandonment authority, PBRR would be able to remove rails, crossties, ballast, bridges or other track material. A map depicting the rail line in relationship to the area served is appended to this report.

DESCRIPTION OF THE LINE

The land use / land cover in the vicinity of the right-of-way (ROW) is predominantly forest. The width of the ROW varies but generally extends 50 feet from either side of the centerline. According to PBRR, rail traffic has not originated, terminated or moved overhead on the subject line in the past two years.

The subject line was built as a portion of the East Alabama Railway in the 1890s. The East Alabama Railway was acquired by the Central of Georgia (CG) in the late 1890s. CG's Opelika to Roanoke service, a segment of which ran over the subject rail line, was known as "The Roanoke Rocket" or "Johnney Ray Train" (which was named after its engineer). The segment of rail line from Lafayette to Roanoke was abandoned in 1982. In 1963, CG was acquired by Southern Railway Company, and in 1974 Southern Railway Company was acquired by Norfolk Southern Railway Company. PBRR acquired the subject line in 1995. The rail traffic at that time PBRR acquired the line was limited to moving pulp wood and wood chips for one customer. According to PBRR, there are no structures on the line that are 50 years of age or older.

ENVIRONMENTAL REVIEW

The railroad submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The railroad served these reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service - Tallapoosa County Soil Survey Office (formerly the Soil Conservation Service) concluded that the proposed abandonment should not have any effect on prime farmland, wetlands, and 100-year floodplains.

The City of Opelika, AL expressed an interest in developing the subject rail line as a recreational facility, and accordingly, has filed a request for a Notice of Interim Trail Use (NITU) and a request for the imposition of a public use condition.

Because traffic has not moved on the subject rail line for at least two years, the proposed abandonment would not be expected to impact the development, use and transportation of energy resources or recyclable commodities, or result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network.

The U.S. Army Corps of Engineers - Mobile District concluded that the proposed abandonment, as outlined by PBRR, would not involve the discharge of dredged or fill material in waters of the United States, including wetlands. Therefore, a Department of the Army permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required.

The U.S. Fish and Wildlife Service had not responded to the railroad's environmental report at the time this environmental assessment (EA) was prepared. However, because of the limited nature of activities typically associated with an abandonment, adverse impacts to Federally threatened or endangered species or critical habitat would not be expected.

The AL Department of Environmental Management stated that the project would not be expected to have any negative impacts on air quality. The U.S. Environmental Protection Agency had not responded to PBRR's environmental report at the time this EA was prepared.

According to PBRR, there are no known hazardous waste sites or hazardous material spill sites on the subject ROW.

The Alabama Historical Commission (the State Historic Preservation Office or SHPO) had not completed its assessment of the proposed abandonment at the time this EA was prepared. Pending completion of this assessment, SEA recommends a condition to ensure compliance with the National Historic Preservation Act, 16 U.S.C. 470f.

CONDITIONS

We recommend that the following environmental condition be placed on any decision granting abandonment authority:

1. The railroad shall take no steps to alter the historic integrity of the right-of-way until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the ROW may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 20 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at 202-565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of David Navecky, who prepared this environmental assessment. **Please refer to STB Docket No. AB-601 (Sub-No. 1X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

Date made available to the public: December 23, 2003

Comment due date: **January 9, 2004**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

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